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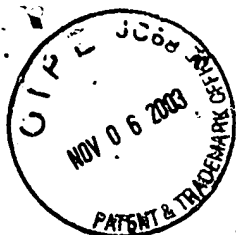
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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

NOV 10 2003

In re application : Eric Beckman, et al.  
Serial No. : 10/036,329  
Filed : October 19, 2001  
For : Broadcast Browser Including Multi-Media  
Tool Overlay and Method of Providing a  
Converged Multi-Media Display Including  
User-Enhanced Data  
Petitions Attorney : Nancy Johnson  
Attorney's Docket : WAVE-004XX  
Group Art Unit : 2643

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11/3/03.

By

Paul J. Kroon, Jr.

Paul J. Kroon, Jr.  
Registration No. 51,920  
Attorney for Applicant(s)

L E T T E R

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision Refusing Status under 37 C.F.R. § 1.47(a), please find:

- ☒ Renewed Petition to Accept Oath and Declaration
- ☒ Declaration of Paul J. Kroon, Jr.  
under 37 C.F.R. § 1.47
- ☒ Declaration of Eric Beckman and Michael Sprague

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 02-3285. A triplicate copy of this letter is enclosed.

Respectfully submitted,

By

Paul J. Kroon, Jr.

Serial No.: 10/036,329  
Filed: Oct. 19, 2001  
Group Art Unit: 2643

Paul J. Kroon, Jr.  
Registration No. 51,902  
Attorney for Applicant(s)

Bourque & Associates, P.A.  
835 Hanover Street  
Suite 301  
Manchester, NH 03101  
Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

Date: 11/3/03



19

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Eric Beckman, et al.  
Serial No. : 10/036,329  
Filed : October 19, 2001  
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By Paul J. Kroon Jr.  
Paul J. Kroon, Jr., Esq.  
Registration No. 51,902  
Attorney for Applicants

RENEWED PETITION TO ACCEPT OATH AND DECLARATION  
UNDER 37 C.F.R. § 1.47

RECEIVED

NOV 10 2003

OFFICE OF PETITIONS

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

NOV 10 2003

OFFICE OF PETITIONS

Sir:

Pursuant to 37 C.F.R. § 1.47, two of the Applicants and co-inventors in the above-identified application submit an oath and declaration made on behalf of Michael Perhaes. The two below-named co-inventors certify upon information and belief that all the facts contained within the oath and declaration are correct.

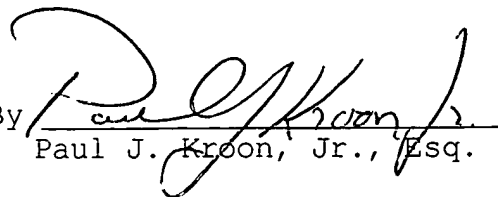
Serial No.: 10/036,329  
Filed: October 19, 2001  
Group Art Unit: 2643

Enclosed please find a declaration in support of this petition signed by Paul J. Kroon, Jr., Wavexpress patent counsel, setting forth the facts offered to prove the unavailability of Michael Perhaes, in his refusal, after diligent effort, to sign an oath and declaration in the present application. Also enclosed, please find an executed declaration of Eric Beckman and Michael Sprague.

Accordingly, Applicants hereby petition the Commissioner to accept the enclosed oath and declaration made on behalf of Michael Perhaes by the other inventors of the instant patent application in lieu of an originally signed oath and declaration. It is respectfully submitted that the fee set forth in 37 C.F.R. § 1.17(h) has been previously submitted on August 30, 2002, as part of Check No. 1081. If additional fees are required and not enclosed, the Commissioner is authorized to charge deposit account No. 02-3285 for the additional fees.

Respectfully submitted,

Eric Beckman, et al.

By   
Paul J. Kroon, Jr., Esq.

Serial No.: 10/036,329  
Filed: October 19, 2001  
Group Art Unit: 2643

Registration No. 51,902  
Attorney for Applicants

Bourque & Associates, P.A.  
835 Hanover Street  
Suite 301  
Manchester, NH 03101  
Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

Date: 11/3/03



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Eric Beckman, et al.  
Serial No. : 10/036,329  
Filed : October 19, 2001  
For : Broadcast Browser Including Multi-Media  
Tool Overlay and Method of Providing a  
Converged Multi-Media Display Including  
User-Enhanced Data  
Petitions Attorney : Nancy Johnson  
Attorney's Docket : WAVE-004XX

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11/3/03.

By Paul J. Kroon, Jr.  
Paul J. Kroon, Jr.  
Registration No. 51,902  
Attorney for Applicant(s)

DECLARATION OF PAUL J KROON, JR.  
UNDER 37 C.F.R. § 1.47

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
NOV 10 2003  
OFFICE OF PETITIONS

Sir:

I, Paul J. Kroon, Jr., hereby declare that:

1. I am Paul J. Kroon, Jr., and represent Wavexpress as patent counsel.
2. Wavexpress is the assignee by all three named inventors in the above-referenced patent application. A copy of each of the executed assignments of Michael Sprague,

Eric Beckman, and Michael Perhaes is attached as Exhibits A, B, and C.

3. According to information and belief, the third named inventor in the patent application, Michael Perhaes, was, at all times relevant to the application and pursuant to his employment agreement with Wavexpress, under a contractual obligation to take all such steps as may be reasonably requested by Wavexpress to perfect the sole and exclusive ownership of such inventions. A copy of his executed employment agreement is attached as Exhibit D. His last known address is 261 West 21<sup>st</sup> Street, Apartment 21, New York, NY 10011.
4. Upon information and belief, Michael Perhaes' employment with Wavexpress ended on January 15, 2002.
5. On several occasions, Wavexpress requested that Michael Perhaes execute an oath and declaration in the above-referenced patent application.
6. Michael Perhaes refused to sign an oath and



declaration, and on August 30, 2003, Daniel J. Bourque, Esq., patent counsel for Wavexpress, filed a Petition to Accept Oath and Declaration Under 37 C.F.R. § 1.47.

7. On March 11, 2003, patent counsel for Wavexpress received a decision dismissing said Petition to Accept Oath and Declaration Under 37 C.F.R. § 1.47 for failure to provide adequate support that Michael Perhaes received an entire application package, including a copy of the patent application and drawings.
8. On July 10, 2003, Michael Perhaes signed a declaration and said declaration was filed on July 16, 2003. A copy of said declaration is attached as Exhibit E.
9. On August 8, 2003, I filed a Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a) in view of the declaration of Michael Perhaes filed on July 16, 2003.
10. On August 15, 2003, patent counsel for Wavexpress received a decision dismissing the Request for

Reconsideration of Petition Under 37 C.F.R. § 1.47(a) filed August 8, 2003 stating, in relevant part, that the declaration of Michael Perhaes filed on July 16, 2003 was unacceptable.

11. On September 23, 2003, I personally sent a letter to Michael Perhaes at his last known address (261 West 21<sup>st</sup> Street, Apt. 21 New York, NY 10011) requesting him to sign the enclosed declaration in view of the decision dated August 15, 2003. A copy of said letter is attached as Exhibit F.
12. On October 6, 2003, Michael Perhaes refused to execute the requested oath without additional compensation. A copy of this refusal is attached as Exhibit G.
13. Out of utmost caution for Michael Perhaes in this matter, and in an effort to be sure that Michael Perhaes fully understood that he was being asked to sign a declaration, I caused to have sent via Certified Mail No. 7002-2030 0003 8165 0711, return receipt requested, an entire application package to Michael

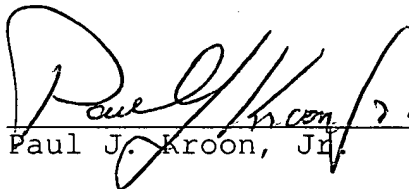
Perhaes on October 15, 2003. A copy of said entire patent application package and said return receipt (signed by Michael Perhaes and dated October 18, 2003) are attached as Exhibits H and I, respectively. Said entire patent application package included a copy of U.S. Patent Application Serial No. 10/036,329 entitled "Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data" as filed on October 19, 2001, a declaration of invention, a set of formal drawings, and a letter addressed to Michael Perhaes. Said letter requested Michael Perhaes to either sign and return the enclosed declaration of invention, sign and return the enclosed letter stating that he refused to sign the enclosed declaration of invention, or provided that if nothing where received by October 24, 2003, that his silence would be deemed a refusal to sign the enclosed declaration. The entire patent application package further included a postage paid, U.S. Postal Service Express Mail envelope in which to return the declaration and/or refusal letter.

14. On October 20, 2003, patent counsel for Wavexpress received said entire patent application package unsigned by Michael Perhaes.

15. Accordingly, notwithstanding the repeated requests of Wavexpress, Michael Perhaes has refused to execute the requested declaration without additional compensation.

The undersigned, Paul J. Kroon, Jr., being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent resulting therefrom, declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

11/3/03  
Date

  
Paul J. Kroon, Jr.

A S S I G N M E N T

In consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, we, Eric Beckman, residing at 176 Broadway, New York, NY 10038; Michael Perhaes, residing at 261 West 21<sup>st</sup> Street, Apartment 21, New York, NY 10011; and Michael Sprague, residing at 73 Bedford Street, New York, NY 10014, hereby sell and assign to Wavexpress, Inc., a Delaware Corporation having a principal place of business at One Pennsylvania Plaza, Suite 2400, New York, NY 10119 its successors and assigns, the entire right, title and interest, including all rights of trade secret and copyright, in all works associated therewith, along with the right to claim priority under the International Convention, throughout the United States, its territories and all foreign countries, in and to our invention in

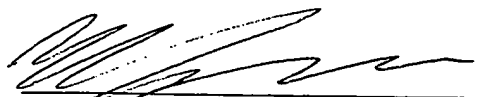
Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display including User-Enhanced Data

and the application for United States Letters Patent therefore filed on October 19, 2001, Serial No. 10/036,329 and such patents as may issue thereon, and all divisions, reissues and continuations thereof.

And we hereby covenant that we have full right to make such assignment, and agree for ourselves and our executors and administrators that we will, at the expense of said Wavexpress, Inc., execute all applications for patents in foreign countries, execute all divisional, continuing, reissue and re-examination applications, execute all applications for copyright registration, make all rightful oaths, sign all lawful papers, testify in any proceeding in which said invention or any application or patent directed thereto may be involved, and generally do everything possible to aid said Wavexpress, Inc., its successors and assigns, to obtain and enforce proper patent and copyright protection for said invention in the United states, its territories and all foreign countries.

And we hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent on said invention or resulting therefrom to Wavexpress, Inc., its successors and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.



Michael Sprague

Date:

5/30/2002

State of

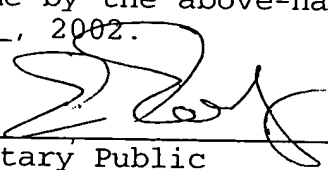
NY

County of

NY

) ss.  
)

Subscribed and sworn to before me by the above-named Michael Sprague this 30 day of MAY, 2002.

  
Notary Public

My Commission Expires:

6.30.03

(Seal)

EDWIN H. EASTY  
Notary Public, State of New York  
No. 4612376  
Qualified in Westchester County  
Commission Expires June 30, 2003

A S S I G N M E N T

In consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, we, Eric Beckman, residing at 176 Broadway, New York, NY 10038; Michael Perhaes, residing at 261 West 21<sup>st</sup> Street, Apartment 21, New York, NY 10011; and Michael Sprague, residing at 73 Bedford Street, New York, NY 10014, hereby sell and assign to Wavexpress, Inc., a Delaware Corporation having a principal place of business at One Pennsylvania Plaza, Suite 2400, New York, NY 10119 its successors and assigns, the entire right, title and interest, including all rights of trade secret and copyright, in all works associated therewith, along with the right to claim priority under the International Convention, throughout the United States, its territories and all foreign countries, in and to our invention in

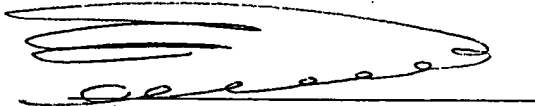
Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data

and the application for United States Letters Patent therefore filed on October 19, 2001, Serial No. 10/036,329 and such patents as may issue thereon, and all divisions, reissues and continuations thereof.

And we hereby covenant that we have full right to make such assignment, and agree for ourselves and our executors and administrators that we will, at the expense of said Wavexpress, Inc., execute all applications for patents in foreign countries, execute all divisional, continuing, reissue and re-examination applications, execute all applications for copyright registration, make all rightful oaths, sign all lawful papers, testify in any proceeding in which said invention or any application or patent directed thereto may be involved, and generally do everything possible to aid said Wavexpress, Inc., its successors and assigns, to obtain and enforce proper patent and copyright protection for said invention in the United states, its territories and all foreign countries.

And we hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent on said invention or resulting therefrom to Wavexpress, Inc., its successors and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

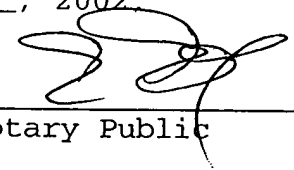


Eric Beckman

Date: 5-30-2002

State of NY )  
County of NY ) ss.

Subscribed and sworn to before me by the above-named Eric Beckman this 30 day of MAY, 2002.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

6.30.03

(Seal)

EDWIN H. EASTY  
Notary Public, State of New York  
No. 4012376  
Qualified in Westchester County  
Commission Expires June 30, 2008



A S S I G N M E N T

In consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, we, Eric Beckman, residing at 176 Broadway, New York, NY 10038; Michael Perhaes, residing at 261 West 21<sup>st</sup> Street, Apartment 21, New York, NY 10011; and Michael Sprague, residing at 73 Bedford Street, New York, NY 10014, hereby sell and assign to Wavexpress, Inc., a Delaware Corporation having a principal place of business at One Pennsylvania Plaza, Suite 2400, New York, NY 10119 its successors and assigns, the entire right, title and interest, including all rights of trade secret and copyright, in all works associated therewith, along with the right to claim priority under the International Convention, throughout the United States, its territories and all foreign countries, in and to our invention in

Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data

and the application for United States Letters Patent therefore filed on October 19, 2001, Serial No. 10/036,329 and such patents as may issue thereon, and all divisions, reissues and continuations thereof.

And we hereby covenant that we have full right to make such assignment, and agree for ourselves and our executors and administrators that we will, at the expense of said Wavexpress, Inc., execute all applications for patents in foreign countries, execute all divisional, continuing, reissue and re-examination applications, execute all applications for copyright registration, make all rightful oaths, sign all lawful papers, testify in any proceeding in which said invention or any application or patent directed thereto may be involved, and generally do everything possible to aid said Wavexpress, Inc., its successors and assigns, to obtain and enforce proper patent and copyright protection for said invention in the United States, its territories and all foreign countries.

And we hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent on said invention or resulting therefrom to Wavexpress, Inc., its successors and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

Michael Perhaes  
Michael Perhaes

Date: 6/5/03

State of NEW YORK

County of NEW YORK

)  
) ss.  
)

Subscribed and sworn to before me by the above-named Michael Perhaes this 5 day of June, 2003.

[Signature]  
Notary Public

My Commission Expires:

(Seal)

HARRY J. KOENIG  
Notary Public, State of New York  
No. 52-7325015 Suffolk County  
Certificate filed in New York County  
Term Expires March 30, 2004

- (iii) Employee shall not directly or indirectly use or make available to any person, firm or corporation the proprietary knowledge and trade secrets of the business of WaveXpress gained by him/her during the period of his/her employment, whether Employee is acting as individual, partner, stockholder, director, officer, employee, or consultant, or in any other capacity.

2.2 Employee hereby acknowledges that the limitation as to time and the limitation on the character or nature placed on his/her subsequent employment are reasonable and fair and will not prevent or materially impair his/her ability to earn a livelihood.

### 3. Ownership of Work Product

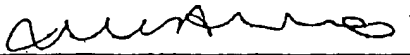
During his/her employment, Employee will be expected to do creative work which may lead to inventions, discoveries, developments, modifications, procedures, ideas, innovations, systems programs, know how, literary properties, and other work products (collectively the Work Product). Employee agrees that the Work Product of the Employee during his/her employment by WaveXpress shall be the sole and exclusive property of WaveXpress and Employee hereby assigns to WaveXpress all rights to the Work Product. To the extent that any such Work Product is copyrightable, it shall be deemed to be a work for hire within the meaning of the Copyright Law. Consideration for such assignment is hereby acknowledged. WaveXpress may, at its discretion, affix such notices and take such steps as it deems reasonably appropriate to secure and perfect copyright protection in the Work Product anywhere in the world. To the extent that any such Work Product may be patentable, WaveXpress may take the name of Employee or otherwise in the United States and elsewhere and Employee shall, on request, assign any such applications and any patents resulting therefrom to WaveXpress. The Employee shall take all such further steps as may be reasonably requested by WaveXpress to perfect the sole and exclusive ownership of the Work Product to WaveXpress.

The Employee will own, and WaveXpress will not claim, non-employment related Work Product that meets the following rules:

1. It is not related to the Employee's job responsibilities and duties.
2. It is not related to corporate projects and developments at WaveXpress.
3. It was developed entirely on the Employee's own time and its development did not involve any WaveXpress resources.

Agreed To:

MICHAEL PERHAES  
(Print Name)

  
(Signature)

Date:

5/16/2000

10/1/99

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data

the specification of which (check one):

☐ is attached hereto.

☒ was filed October 19, 2001 as Serial No. 10/036,329; amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>		<u>Date Filed</u>	<u>Priority Claimed</u>
(Number)	(Country)	(Day/Month/Year)	Yes No
(Number)	(Country)	(Day/Month/Year)	Yes No

I hereby claim the benefit under Title 35 USC 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/241,930 (Application Serial No.)	October 20, 2000 (Filing Date)	USA (Patented/pending/abandoned)
(Application Serial No.)	(Filing Date)	(Patented/pending/abandoned)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USRO any International Application based thereon.

Attorney(s) and/or Agent(s):

Daniel J. Bourque, 35,457  
Howard S Fuhrman, 33,175  
Paul J. Kroon, Jr., 51,902  
Richard J. Musgrave, Reg. No. 44,960  
R. Anthony Diehl, 38,432

Address all correspondence to:


Bourque & Associates, P.A.  
835 Hanover Street, Suite 301  
Manchester, NH 03104  
Telephone: (603) 623-5111  
Facsimile: (603) 624-1432



28452

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Second Joint Inventor:		
Michael Perhaes		
City of Residence	State or Country	Country of Citizenship
New York	NY	United States
Post Office Address	City	State or Country Zip Code
261 West 21st Street, Apt. 21	New York	NY 10011
Signature: (Please sign and date in permanent ink.)		Date signed:
X 		X 7/10/03



Intellectual Property Attorneys

DANIEL J. BOURQUE  
Admitted NH, MA  
Canadian Patent Agent

PAUL J. KROON JR.  
Admitted NH, MA

RICHARD J. MUSGRAVE  
Admitted MA, IL, MO

INTELLECTUAL PROPERTY LAW  
PATENTS TRADEMARKS COPYRIGHTS  
LICENSING AND RELATED  
LITIGATION

September 23, 2003

Michael Perhaes  
261 West 21<sup>st</sup> Street, Apt. 21  
New York, NY 10011

**RE:** Broadcast Browser Including Multi-Media Tool Overlay and  
Method of Providing a Converged Multi-Media Display Including  
User-Enhanced Data

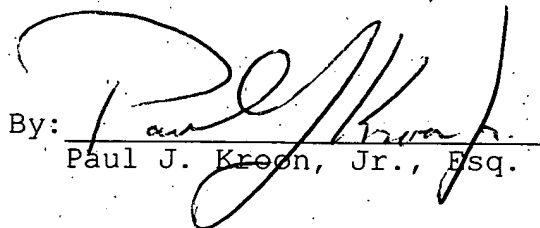
**Our Reference:** WAVE-004XX

Dear Michael:

The Patent and Trademark Office is requiring a newly signed declaration by all the inventors in the above-identified patent application Serial No. 10/036,329. The new declaration does not in any way effect any rights you may or may not have in the application. Please sign the Declaration and return the signed Declaration to our office as soon as possible, but no later than October 1, 2003.

Very truly yours,

**BOURQUE AND ASSOCIATES, P.A.**

By:   
Paul J. Kroon, Jr., Esq.

PJK/jlg  
Enclosure

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and joint inventor, (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data

the specification of which (check one):

☐ is attached hereto.

☒ was filed October 19, 2001 as  
Serial No. 10/036,329.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
(Number)	(Country)	(Day/Month/Year)
		Yes No

I hereby claim the benefit under Title 35 USC 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Patented/pending/abandoned)

I hereby claim the benefit under Title 35 USC 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)	(Patented/pending/abandoned)
60/241,930	October 20, 2000	USA - Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USRO any International Application based thereon.

Daniel J. Bourque, 35,457  
Paul J. Kroon, Jr., 51,902  
Richard J. Musgrave, Reg. No. 44,960

Address all correspondence to:

Bourque & Associates, P.A.  
835 Hanover Street, Suite 301  
Manchester, NH 03104  
Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor:

Eric Beckman

City of Residence New York	State or Country NY	Country of Citizenship United States
Post Office Address 176 Broadway	City New York	State or Country Zip Code 10038
Signature: (Please sign and date in permanent ink.)  X		Date signed:  X



Full Name of Second Joint Inventor: Michael Perhaes		
City of Residence New York	State or Country NY	Country of Citizenship United States
Post Office Address 261 West 21st Street, Apt. 21	City New York	State or Country    Zip Code 10011
Signature: (Please sign and date in permanent ink.)  X		Date signed:  X

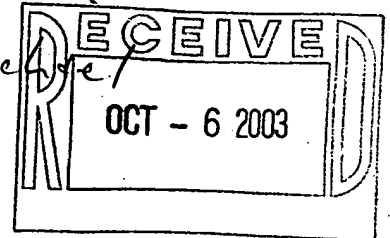
Full Name of Third Joint Inventor: Michael Sprague		
City of Residence New York	State or Country NY	Country of Citizenship United States
Post Office Address 73 Bedford Street	City New York	State or Country    Zip Code 10014
Signature: (Please sign and date in permanent ink.)  X		Date signed:  X

**BOURQUE  
& ASSOCIATES  
P.A.**  
Intellectual Property Attorneys

PAUL -  
I'll sign  
for \$5000.

Thanks,

Michael



DANIEL J. BOURQUE  
Admitted NH, MA  
Canadian Patent Agent

PAUL J. KROON JR.  
Admitted NH, MA

RICHARD J. MUSGRAVE  
Admitted MA, IL, MO

September 23, 2003

Michael Perhaes  
261 West 21<sup>st</sup> Street, Apt. 21  
New York, NY 10011

**RE:** Broadcast Browser Including Multi-Media Tool Overlay and  
Method of Providing a Converged Multi-Media Display Including  
User-Enhanced Data

**Our Reference:** WAVE-004XX

Dear Michael:

The Patent and Trademark Office is requiring a newly signed declaration by all the inventors in the above-identified patent application Serial No. 10/036,329. The new declaration does not in any way effect any rights you may or may not have in the application. Please sign the Declaration and return the signed Declaration to our office as soon as possible, but no later than October 1, 2003.

Very truly yours,

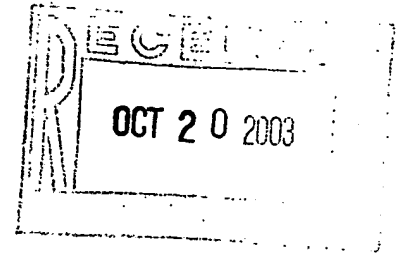
**BOURQUE AND ASSOCIATES, P.A.**

By: 

Paul J. Kroon, Jr., Esq.

PJK/jlg  
Enclosure

**BOUROQUE  
& ASSOCIATES  
P.A.**  
Intellectual Property Attorneys



DANIEL J. BOURQUE  
Admitted NH, MA  
Canadian Patent Agent

PAUL J. KROON JR.  
Admitted NH, MA

RICHARD J. MUSGRAVE  
Admitted MA, IL, MO

INTELLECTUAL PROPERTY LAW  
PATENTS TRADEMARKS COPYRIGHTS  
LICENSING AND RELATED  
LITIGATION

October 15, 2003

**VIA CERTIFIED MAIL  
NO. 7002-2030 0003 8165 0711  
RETURN RECEIPT REQUESTED**

Michael Perhaes  
261 West 21<sup>st</sup> Street, Apt. 21  
New York, NY 10011

**RE:** Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a  
Converged Multi-Media Display Including User-Enhanced Data

**Our Reference:** WAVE-004XX

Dear Michael:

Enclosed, please find a copy of U.S. Patent Application Serial No. 10/036,329 entitled "Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data" as filed on October 19, 2001 (hereinafter referred to as the application) as well as a declaration of invention. A set of formal drawings has also been included. As you are aware, you have been listed as an inventor in the application. In accordance with your employment agreement with Wavexpress (see enclosed copy of the Wavexpress Employment Contract which you signed on May 16, 2000), Wavexpress respectfully requests that you execute the enclosed declaration. Your signature on the enclosed declaration is reasonably necessary in order to perfect the ownership of the application.

On behalf of Wavexpress, we appreciate that you previously signed a declaration on July 10, 2003 (copy enclosed). Unfortunately, the U.S. Patent and Trademark Office is requiring a new declaration in a slightly different form that more clearly identifies you along with the other co-inventors (Eric Beckman and Michael Sprague). As you have been previously informed, the enclosed declaration simply ensures

that you are properly listed as a co-inventor in the application. Accordingly, please sign the enclosed declaration and return it to us by October 24, 2003 using the enclosed, self-addressed, stamped envelope.

If you are unwilling to sign the enclosed declaration, we respectfully request that you please sign this letter stating that you refuse to sign the declaration and return it back to our office using the enclosed envelope by October 24, 2003. If you are only willing to sign the enclosed declaration in return for additional compensation, please understand that this will be considered a refusal to sign the enclosed declaration.

Accordingly, please return either the enclosed declaration or this letter with your signature by October 24, 2003. If we do not receive either of these papers by October 24, 2003, your silence will be taken as a refusal to sign the declaration.

If you have any questions, please feel free to contact us at our office.

Very truly yours,

**BOURQUE AND ASSOCIATES, P.A.**

By:

  
Paul J. Kroon, Jr., Esq.

PJK/jlg  
Enclosures

I, Michael Perhaes, understand that I am listed as a co-inventor in Application Serial No. 10/036,329 for the invention entitled "Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data" filed October 19, 2001. I acknowledge that I have received a full copy of the application, including the specification, claims, and drawings as well as a declaration of invention. In view of this, I refuse to sign the enclosed declaration or refuse to sign without additional compensation.

\_\_\_\_\_  
Michael Perhaes

\_\_\_\_\_  
Date

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and joint inventor, (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a Converged Multi-Media Display Including User-Enhanced Data

the specification of which (check one):

☐ is attached hereto.

☒ was filed October 19, 2001 as  
Serial No. 10/036,329.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>		<u>Date Filed</u>	<u>Priority Claimed</u>
(Number)	(Country)	(Day/Month/Year)	Yes No

I hereby claim the benefit under Title 35 USC 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Patented/pending/abandoned)
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60/241,930	October 20, 2000	USA - Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USPO any International Application based thereon.

Daniel J. Bourque, 35,457  
Paul J. Kroon, Jr., 51,902  
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Bourque & Associates, P.A.  
835 Hanover Street, Suite 301  
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Facsimile: (603) 624-1432

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor: Eric Beckman		
City of Residence New York	State or Country NY	Country of Citizenship United States
Post Office Address 176 Broadway	City New York	State or Country Zip Code 10038
Signature: (Please sign and date in permanent ink.) X		Date signed: X

Full Name of Second Joint Inventor:		
Michael Perhaes		
City of Residence New York	State or Country NY	Country of Citizenship United States
Post Office Address 261 West 21st Street, Apt. 21	City New York	State or Country Zip Code 10011
Signature: (Please sign and date in permanent ink.)  X		Date signed:  X

Full Name of Third Joint Inventor:		
Michael Sprague		
City of Residence New York	State or Country NY	Country of Citizenship United States
Post Office Address 73 Bedford Street	City New York	State or Country Zip Code 10014
Signature: (Please sign and date in permanent ink.)  X		Date signed:  X

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

MICHAEL PERHAES  
261 West 21st St, Apt 21  
New York, NY 10011

## 2. Article Number

(Transfer from service label)

7002 2030 0003 8165 0711

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X *Michael Perhaes*☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

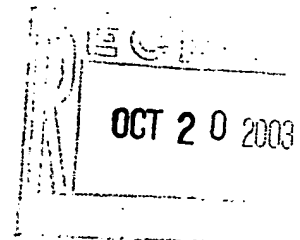
☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes



**BOUROUE**  
**ASSOCIATES**  
P.A.  
Intellectual Property Attorneys

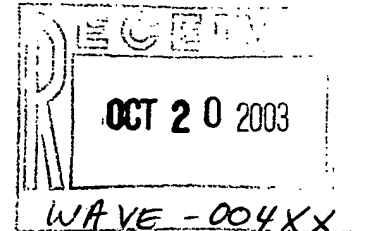


INTELLECTUAL PROPERTY LAW

DANIEL J. BOURQUE  
Admitted NH, MA  
Canadian Patent Agent

PAUL J. KROON JR.  
Admitted NH, MA

RICHARD J. MUSGRAVE  
Admitted MA, IL, MO



October 15, 2003

**VIA CERTIFIED MAIL**  
**NO. 7002-2030 0003.8165 0711**  
**RETURN RECEIPT REQUESTED**

*rec'd entire pkg  
back from inventor  
Perhaes w/unsigned  
declaration. JG*

Michael Perhaes  
261 West 21<sup>st</sup> Street, Apt. 21  
New York, NY 10011

**RE:** Broadcast Browser Including Multi-Media Tool Overlay and Method of Providing a  
Converged Multi-Media Display Including User-Enhanced Data

**Our Reference:** WAVE-004XX

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